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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 WADE FORREST CADY,
16 Defendants

17 Case No.: 2:21-mj-00439-EJY-1

18 **STIPULATION TO CONTINUE
19 HEARING**

20 (First Request)

21 IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A.
22 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney,
23 counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for WADE
24 FORREST CADY that the Status Conference set for November 12, 2021, be vacated and set
25 to a date and time convenient to this Court. (Please note Todd will be out of the Country
26 December 20, 2021 through January 7, 2022)

27 The Stipulation is entered into for the following reasons:

- 28 1. The defendant is not in custody and does not object to the continuance.
29 2. The parties agree to the continuance.
30 3. Counsel for the Defendant is currently in a state District Court murder trial Case
31 No. 06C228460-2 and is expected to last all this current week .

1 4. The requested time is not for purposes of delay, but merely to allow counsel
2 for defendant sufficient time within which to be able to effectively and complete investigation
3 of the discovery materials provided.

4 5. Additionally, denial of the continuance could result in a miscarriage of justice.
5 The additional time is excludable in computing the time within which the trial must
6 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
7 outlined in §3161(h)(7)(B)(i), (iv).

8 9 This is the first stipulation to continue the Status Conference Hearing.

10 11 DATED: November 8, 2021

12 13 Submitted By: LEVENTHAL & ASSOCIATES, PLLC

14 15 By /s/ Todd M Leventhal
16 17 TODD M. LEVENTHAL
18 19 Counsel for Defendant Darnele Nelson

20 21 By /s/ Rachel Kent
22 23 RACHEL KENT
24 25 Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
WADE FORREST CADY,
Defendant

Case No.: 2:21-cr-mj-00439-EJY-1

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the

Court finds that:

1. The defendant is not in custody and does not object to the continuance.
 2. The parties agree to the continuance.
 3. Counsel for the Defendant is currently in a state District Court murder trial Case C228460-2 and is expected to last all this current week
 4. Additionally, denial of the continuance could result in a miscarriage of justice.

The additional time is excludable in computing the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors outlined in §3161(h)(7)(B)(i), (iv).

1 This is the first stipulation to continue the Status Conference Hearing.
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3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting the requested continuance outweigh the best
5 interest of the public and the defendant in a speedy trial because the failure to grant it would
6 likely result in a miscarriage of justice. This continuance is excludable under the Speedy
7 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),
8 (iv).
9

10 **ORDER**

11 IT IS FURTHER ORDERED that the Status Conference currently scheduled for
12 November 12, 2021 at the hour of 10:00 a.m., is vacated and continued to February 2, 2022
13 at the hour of 9:00 a.m., in Courtroom 3D.

14 DATED: November 9, 2021.
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16 BY: Elayna J. Youchah
17 ELAYNA J. YOUCRAH
18 U.S. MAGISTRATE JUDGE
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